

# LABOR SERVICES DIVISION[875]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 90A.7 and 2013 Iowa Acts, Senate File 430, the Labor Commissioner hereby adopts a new Chapter 169, "General Requirements for Athletic Events," and amends Chapter 170, "Operations of Advisory Board," Chapter 171, "Grant Applications and Awards," Chapter 172, "Professional Wrestling," Chapter 173, "Professional Boxing," Chapter 174, "Elimination Tournaments," and Chapter 177, "Mixed Martial Arts," Iowa Administrative Code.

These amendments update or rescind obsolete rules; establish event license fees pursuant to 2013 Iowa Acts, Senate File 430; establish a new chapter that sets forth standardized rules for promoter responsibilities and administrative requirements such as insurance, reporting of taxes and application for an event license; and change regulations pertaining to health insurance, life insurance and blood testing.

Notice of Intended Action was published in the October 16, 2013, Iowa Administrative Bulletin as **ARC 1107C**. Numerous public comments regarding the proposed amendments were received. The proposed reduction in insurance coverage limits received favorable comments; however, the proposed maximum deductible for health insurance was criticized. The proposal to reduce the frequency of blood tests was greeted with approval. Some of the commenters believed that professional wrestling should not be covered by Iowa Code chapter 90A. One person commented that subrule 169.5(11) was subject to misinterpretation.

Most of the comments related to the event license fees. Commenters stated that athletic competitions are beneficial for young people and for small towns and that the event license fees would reduce the number of events. Some commenters questioned whether the athletic commissioner really needs additional funds to run the program, and others suggested alternative funding sources for the athletic program.

These amendments are not identical to the amendments published under Notice of Intended Action. The event license fees have been reduced and the effective date for the event license fees has been delayed to allow the industry to adjust. The maximum deductible for health insurance has been increased from \$1,000 to \$1,500. Subrule 169.5(11) was clarified to avoid misinterpretation.

The principal reasons for these amendments are to implement legislative intent, protect the public safety and health, establish event license fees, make the athletic fund solvent, and modernize and standardize the rules.

No variance procedures are included in this rule making. Applicable variance procedures are set forth in 875—Chapter 1.

After analysis and review of this rule making, these amendments will have no impact on jobs.

These amendments are intended to implement Iowa Code chapter 90A as amended by 2013 Iowa Acts, Senate File 430.

These amendments shall become effective on January 15, 2014, and the event license fees shall apply only to events held on or after May 1, 2014.

The following amendments are adopted.

ITEM 1. Adopt the following **new** 875—Chapter 169:

## CHAPTER 169

## GENERAL REQUIREMENTS FOR ATHLETIC EVENTS

**875—169.1(90A) Scope and application.** Unless otherwise noted, this chapter applies to each event covered by Iowa Code chapter 90A.

**875—169.2(90A) Prohibited events.** No promoter shall arrange or advertise:

**169.2(1)** A match between persons of the opposite sex;

**169.2(2)** A match between more than two contestants; or

**169.2(3)** A match with a contestant who is younger than 18 years of age.

**875—169.3(90A) Advance notice of event.** A promoter shall submit advance notice of an event, other than a professional wrestling event, to the commissioner on the form provided by the commissioner at least 60 days prior to the event but not more than six months prior to the event. The advance notice shall include:

- 169.3(1)** The date, time, type, and location of the event;
- 169.3(2)** The promoter's name and contact information;
- 169.3(3)** One-half of the required event license fee set forth by subrule 169.4(2);
- 169.3(4)** Whether the event is indoors or outdoors; and
- 169.3(5)** Other relevant information requested by the commissioner on the form.

**875—169.4(90A) Event license.** A promoter shall hold a mixed martial arts match, professional boxing match, or wrestling match only if the commissioner of athletics (commissioner) has issued an applicable event license.

**169.4(1) Application.** At least seven days before the event, the promoter shall submit a completed application for a license on the form provided by the commissioner.

*a.* For a professional wrestling event, the application shall include each of the following:

(1) The promoter's name, address, telephone number and other contact information as requested by the commissioner;

(2) The event date, venue name, and venue address;

(3) A nonrefundable \$100 event license fee applicable to events held on or after May 1, 2014; and

(4) The promoter's signature.

*b.* For any other covered event, the application shall contain all of the following information:

(1) The date, time, type, and location of the event;

(2) The promoter's name, address, and contact information;

(3) One-half of the required event license fee set forth in subrule 169.4(2);

(4) The name, address, weight, gender, and opponent of each contestant;

(5) A copy of the medical license of the ringside physician;

(6) The date, time, and location for the weighing of the contestants;

(7) The name, contact information, and role of each proposed official;

(8) Copies of the contracts with the contestants, the emergency medical services company, and the security company;

(9) The name and contact information for the certified law enforcement officer who will attend the event;

(10) The date, time, and location of the ringside physician's examination of the contestants;

(11) Certificates of insurance as required by subrules 169.5(17) and 169.5(18);

(12) A bond in the sum of \$5,000, payable to the State of Iowa, conditioned upon the payment of the tax and penalties imposed by Iowa Code chapter 90A, unless the promoter has a current valid bond on file with the division;

(13) The name and telephone number of the person designated to clean between rounds; and

(14) Other relevant information requested by the commissioner on the form.

**169.4(2) Event license fees applicable to events held on or after May 1, 2014.** For events held on or after May 1, 2014, the nonrefundable event license fee shall be \$100 for a professional wrestling event and \$450 for all other covered events. A professional wrestling promoter shall submit the event license fee with the event license application at least 7 days prior to the event. For all other covered events, the promoter shall submit one-half of the event license fee with the advance notice of the event at least 60 days prior to the event, and one-half of the event license fee with the event license application at least 7 days prior to the event.

**169.4(3) Issuance.** The decision to issue an event license is solely within the discretion of the commissioner. The following factors will be considered by the commissioner when deciding whether to issue an event license:

- a. Date the promoter filed advance notice of event.
- b. The promoter's prior compliance with Iowa Code chapter 90A and applicable rules.
- c. Applications for conflicting events.
- d. Ability of the commissioner to provide staff.
- e. The promoter's history of canceling events.
- f. Anticipated tax revenue.
- g. Completeness of application package.
- h. Whether the event is indoors or outdoors.

**169.4(4) Revocation.** When the commissioner finds that failure to provide adequate security to maintain public safety imperatively requires emergency action, the commissioner may immediately suspend the event license, pending license revocation procedures pursuant to Iowa Code chapter 17A.

**875—169.5(90A) Promoter responsibilities.** The promoter of a professional wrestling event shall be responsible for subrules 169.5(1) through 169.5(6). All other promoters shall be responsible for each of the following:

**169.5(1)** Ensure compliance with Iowa Code chapter 90A and applicable rules.

**169.5(2)** Ensure that the referees are familiar with and enforce the rules.

**169.5(3)** Be responsible for the conduct and attendance of all officials and participants.

**169.5(4)** Ensure that adequate public safety is maintained at all events. Adequate personnel provided by a private security company and at least one law enforcement officer who is certified pursuant to Iowa Code chapter 80B shall be furnished by the promoter.

**169.5(5)** Ensure that a referee inspects the gloves, bandages, and body of each contestant for foreign substances that might be detrimental to an opponent.

**169.5(6)** Ensure that contestants are free of fingernails that are capable of causing injury to an opponent.

**169.5(7)** Provide officials and participants who are subject to approval by the commissioner.

**169.5(8)** Answer to the commissioner for noncompliance.

**169.5(9)** Be available to the commissioner throughout an event or identify a designee who shall be:

- a. Available to the commissioner throughout an event; and
- b. Authorized by the promoter to address issues that may arise.

**169.5(10)** Enter into a written contract with each contestant using the form furnished by the commissioner. Telegrams, fax transmissions, electronic mail, or letters indicating acceptance of terms will be considered an agreement between a contestant, the contestant's manager and the promoter, pending the actual signing of the contract.

**169.5(11)** Provide appropriate gloves.

**169.5(12)** Provide and maintain a container with a solution of ten parts water to one part bleach to clean bodily fluids from any part of the cage, cage enclosure, or floor.

**169.5(13)** Ensure that an ambulance and ambulance service authorized at the EMT-B, EMT-I, EMT-P or paramedic specialist level pursuant to 641—Chapter 132 are present at the event. A promoter is fully responsible for all charges assessed by the ambulance service related to the event except:

- a. Charges covered by insurance.
- b. Charges for services provided to persons other than participants and officials.

**169.5(14)** Ensure that contestants are wearing appropriate attire, gloves, and other necessary equipment.

**169.5(15)** Provide a suitable, clean, and private space for contestants to change clothes.

**169.5(16)** Submit to the ringside physician no later than at the time of the physicals test results showing that each contestant scheduled for the event tested negative for the human immunodeficiency, hepatitis B, and hepatitis C viruses within the one-year period prior to the event. The contestant shall not participate and the physician shall notify the promoter that the contestant is prohibited from participating for medical reasons if any of the following occurs:

- a. The promoter does not produce timely proof of testing;
- b. The test results are positive;

c. The laboratory is not properly certified in accordance with the federal Clinical Laboratory Improvement Act;

d. The test was performed more than 12 months prior to the event; or

e. The test results are otherwise deficient.

**169.5(17)** Obtain from a company authorized to do business in the state of Iowa \$10,000 of health insurance coverage on each contestant to provide for medical, surgical and hospital care for injuries sustained and illnesses contracted during the event. If there is a deductible, it shall not exceed \$1,500. If the contestant pays for covered care, the insurance proceeds shall be paid to the contestant or the contestant's beneficiaries as reimbursement for payment. In the event of a claim, payment of the deductible shall be the sole responsibility of the promoter.

**169.5(18)** Obtain from a company authorized to do business in the state of Iowa no less than \$10,000 of life insurance coverage on each contestant to cover death caused by injuries sustained or illnesses contracted during the event.

**169.5(19)** No later than the day of the event, ensure that each contestant makes available to the commissioner's representative suitable proof of age consisting of one of the following documents:

a. A certified birth certificate;

b. A passport;

c. A certified baptismal record;

d. A U.S. visa;

e. An identification card issued to the contestant by a governmental entity and which includes the contestant's photograph and birth date; or

f. A U.S. resident alien card.

**169.5(20)** Ensure that participants and officials behave in a professional manner at all times.

**169.5(21)** Ensure that participants and officials refrain from:

a. Fighting with anyone other than a scheduled opponent;

b. Fighting outside the ring;

c. Throwing objects; and

d. Making obscene gestures.

**169.5(22)** Establish through [www.mixedmartialarts.com](http://www.mixedmartialarts.com) that no contestant on an amateur card has participated in a reported professional mixed martial arts match.

**875—169.6(90A) Taxes.** No later than 20 days after an event, a promoter shall file with the commissioner a report and pay all taxes due as a result of the event. The report shall be submitted on the form provided by the commissioner and shall include the promoter's business name, name of a contact for the promoter, date of the event, event license number, location of the event, each price for which tickets were offered or sold, number of tickets sold at each price, total gate receipts, and signatures of the licensee and the person who completed the report. The promoter shall submit with the report:

**169.6(1)** Proof of the number of tickets sold and the price of each ticket, which shall include appropriate documentation from a ticketing service, if applicable.

**169.6(2)** A check made payable to the Iowa Division of Labor Services for the amount calculated using the report.

**169.6(3)** A check made payable to the Iowa Department of Revenue for the amount calculated using the report.

These rules are intended to implement Iowa Code chapter 90A as amended by 2013 Iowa Acts, Senate File 430.

ITEM 2. Amend rule 875—170.3(90A) as follows:

**875—170.3(90A) Time of meetings.** ~~The board shall meet at least semiannually.~~ The commissioner shall establish the date of all meetings, and provide notice of all meeting dates, locations, and agenda. ~~The commissioner shall schedule a meeting upon the receipt of a written request from a majority of the members of the board. The request shall state the reason for the meeting and the proposed agenda.~~

ITEM 3. Amend rule 875—171.1(90A) as follows:

**875—171.1(90A) Scope.** This chapter establishes rules of the athletic commissioner of athletics (commissioner) for the distribution of revenues collected from a professional boxing event pursuant to Iowa Code section ~~90A.7(1) in excess of the amount expected to be needed to administer chapter 90A~~ 90A.9.

ITEM 4. Rescind and reserve rules **875—172.9(90A)**, **875—172.12(90A)**, **875—172.14(90A)** and **875—172.18(90A)**.

ITEM 5. Rescind and reserve rules **875—173.3(90A)**, **875—173.20(90A)**, **875—173.22(90A)**, **875—173.25(90A)**, **875—173.26(90A)**, **875—173.38(90A)** and **875—173.54(90A)**.

ITEM 6. Rescind and reserve rules **875—174.9(90A)**, **875—174.12(90A)** and **875—174.13(90A)**.

ITEM 7. Rescind and reserve rule **875—177.2(90A)**.

ITEM 8. Rescind and reserve subrules **177.5(9)** to **177.5(11)**.

ITEM 9. Rescind and reserve subrule **177.6(1)**.

ITEM 10. Rescind and reserve rule **875—177.10(90A)**.

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